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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DISABILITY RIGHTS OREGON,
METROPOLITAN PUBLIC DEFENDER
SERVICES, INC., and A.J. MADISON,

Plaintiffs,

v.

DAVID BADEN, in his official capacity as head of the Oregon Health Authority, and DOLORES MATTEUCCI, in her official capacity as Superintendent of the Oregon State Hospital,

Defendants.

JAROD BOWMAN, JOSHAWN DOUGLAS-SIMPSON,

Plaintiffs,

v.

DOLORES MATTEUCCI, Superintendent of the Oregon State Hospital, in her individual and official capacity, David Baden, Director of the Oregon Health Authority, in his official capacity, and PATRICK ALLEN in his individual capacity,

Defendants.

Case No. 3:02-cv-00339-MO (Lead Case)
Case No. 3:21-cv-01637-MO (Member Case)

DECLARATION OF BILL OSBORNE

I, Bill Osborne, hereby declare:

1. I am a Policy Manager at Oregon State Hospital at its Salem Campus. I have been employed by the Oregon Health Authority for two years and have also served as a Policy Manager, the Intensive Services Manager, and Interim Behavioral Health Director. Prior to working for the Health Authority, I served as the Forensic Diversion/Civil Commitment Manager in Multnomah County for 10 years, overseeing 3 diversion courts including Aid and Assist and civil commitment. I hold a bachelor's degree in psychology from Ramapo College and a master's degree in social work from Rutgers University.

2. I make this declaration based upon a combination of personal knowledge and in reliance upon records which are regularly maintained in the ordinary course of business.

3. My job duties include, among other things, coordinating behavioral health services for individuals with complex clinical needs who are admitted to the Oregon State Hospital under an Aid and Assist Order issued pursuant to ORS 161.370. I also have oversight of operations and policy for individuals entering the behavioral health system through the courts.

4. I understand that on July 3, 2023, this Court entered an Order at ECF No. 416, consistent with this Court's Order at (ECF No. 271) on September 1, 2022 that limits the length of inpatient restoration at OSH for a person ordered committed to OSH pursuant to ORS 161.370 as follows:

- a. For patients whose most serious charge is a misdemeanor, the maximum duration of commitment for restoration shall be the lesser of the maximum permissible sentence for the underlying offense or 90 days;
- b. For patients whose most serious charge is a felony, the maximum duration of commitment for restoration shall be six (6) months, unless the felony is listed in ORS 137.700(2) in which case the maximum duration of commitment for restoration shall be one year.

c. For purposes of this order, restoration across multiple charges shall be consolidated and contiguous consecutive periods of restoration should be eliminated unless there are new charges incurred after an initial period of restoration has ended.

5. I understand that the July 3, 2023 Order also provides that, before a patient reaches this maximum duration of commitment for restoration under this Order and remains unfit to proceed, OSH shall notify the committing court of the patient's impending discharge 60 days before the date on which the hospital is required to discharge the patient pursuant to the Order.

6. I also understand that for the purposes of the July 3, 2023 order, the maximum time for inpatient restoration runs from the date of admission to OSH.

7. OSH has been filing the required notices to the committing courts before discharging patients pursuant to this Court's Order. But some state court judges have responded by issuing orders that are preventing OSH from discharging patients as ordered by this Court. As of today, two patients are still at OSH past their maximum length of restoration.

8. New orders under ORS 161.370 from Marion County now contain language prohibiting transport of patients back to Marion County.

9. All new commitment orders issued under ORS 161.370 from Marion County Circuit Court judges have either been issued or amended to contain a variation of the following language:

“The Sheriff's Office/Department in the committing jurisdiction shall transport Defendant from the jail to OSH in Salem, Oregon, Oregon State Hospital shall admit defendant to OSH. The Defendant may not be returned from OSH absent an order from the committing court.”

10. As of today, there are 37 commitment orders from Marion County containing this language. These orders are dated between July 29 to September 1, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on September 6, 2023.

s/ Bill Osborne
BILL OSBORNE